

Magistrate Judge James P. Donohue

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JUL 27 2017

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY  
BY

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN THE MATTER OF THE SEARCH OF:

The business known as Bai Tong Thai  
Restaurant located at 14804 NE 24<sup>th</sup> Street  
Redmond, Washington 98052

NO.

*MJ17-3134*

MOTION TO SEAL  
SEARCH WARRANT AND  
RELATED MATERIALS

The United States of America, by and through Annette L. Hayes, United States Attorney for the Western District of Washington, and Susan M. Roe, Assistant United States Attorney, moves this Court for an Order sealing the Search Warrant, Application for Search Warrant and Affidavit of Special Agent Mark Pahnke, as well as this Motion and attendant Order. The government further requests that the Order prohibit disclosure of the existence of the Search Warrant which would jeopardize the ongoing federal investigation.

Federal courts are empowered to seal documents in appropriate circumstances. Cf. Fed. R. Crim. P. 6(e)(4) (sealing of indictments). It is well-settled that federal courts have inherent authority to control papers filed with the court, *United States v. Shryock*, 342 F.3d 948, 983 (9th Cir. 2003), including the power to seal affidavits filed with search warrants in appropriate circumstances. In *Times Mirror Company v. United States*, 873 F.2d 1210 (9th Cir. 1989), the Court recognized that “information disclosed to the

1 may appropriately be exercised when disclosure of the affidavit would disclose facts that  
 2 would interfere with an ongoing criminal investigation. *United States v. Napier*, 436  
 3 F.3d 1133, 1136 (9th Cir. 2006) (noting that a sealed search warrant protects the  
 4 “government’s interest in maintaining [the] integrity of ongoing criminal investigations  
 5 and ensuring the safety of the informant”).

6 In support of this request, the government submits that the Search Warrant  
 7 documents detail an ongoing investigation into the possible criminal actions of the  
 8 Pornchai Chaiseeha, Chadillada Lapangkura, and Bai Tong Group of restaurants, as well  
 9 as the ongoing investigation into SmilePOS. The Government expects that the  
 10 investigation will continue after the execution of the search warrant. Premature  
 11 revelation of the details of the investigation may impede the investigation by encouraging  
 12 the suspect to flee or destroy evidence and may limit the use of other investigative  
 13 techniques. Therefore, the United States of America respectfully requests that the  
 14 documents in this case be sealed until the earliest of the following: (a) two weeks  
 15 following the unsealing of any charging document in a matter for which the warrants  
 16 were issued; (b) two weeks following the closure of the investigation for which the  
 17 warrants were issued; or (c) sixteen months following issuance of the warrant, unless the  
 18 Court, upon motion of the government for good cause, orders an extension.

19 Dated this 27<sup>th</sup> day of July 2017.

20 Respectfully submitted,

21 ANNETTE L. HAYES  
 22 United States Attorney

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 25 By:

  
 26 SUSAN M. ROE  
 27 Assistant United States Attorney  
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